

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

| | | |
|--------------------------------|---|--------------------------|
| NETLIST, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 2:21-CV-463-JRG |
| vs. |) | |
| |) | JURY TRIAL DEMANDED |
| SAMSUNG ELECTRONICS CO., LTD., |) | |
| SAMSUNG ELECTRONICS AMERICA, |) | Filed Under Seal |
| INC., SAMSUNG SEMICONDUCTOR, |) | |
| INC., |) | |
| |) | |
| Defendants. |) | |

DECLARATION OF SCOTT MILTON

I, Scott Milton, declare as follows:

1. I am submitting this declaration in support of Netlist, Inc.'s Motion to Quash Defendants' Trial Subpoena on Chuck Hong and Scott Milton. Unless otherwise specified, I have personal knowledge of the facts stated herein, and, if called as a witness, could and would testify to such facts competently under oath.

2. I understand that Samsung served a "Notice of Subpoenas to Scott Milton and Chun Ki Hong" on counsel for Netlist on May 12, 2023. Attached to the notice was a subpoena on me at 49 Statehouse Place, Irvine, CA 92602-0728. I have not yet been personally served with the subpoena. However, the subpoena commanded that I appear in the United States district court located at 100 East Houston Street in Marshall, Texas, at 8:30 am on May 30, 2023.

3. I am the Vice President of Engineering at Netlist, Inc. ("Netlist"). My office, where I am employed and regularly conduct business, is located at 111 Academy Way, Suite 100. Irvine, CA 92617.

[REDACTED]

5. Neither my home nor my office is within 100 miles of 100 East Houston Street, Marshall, Texas. They are over 1,500 miles away.

6. I do not reside in Texas. I am not employed or regularly conduct business in Texas. I have not visited Texas in the last twelve months, other than for attending the jury trial of this Action between April 14, 2023 and April 21, 2023 as Netlist's corporate representative.

7. I previously agreed to testify at deposition in this case, and my deposition was taken on November 30, 2022. Counsel for Samsung took my deposition. I also testified at trial in this case on April 14, 2023 and April 17, 2023. Counsel for Samsung cross-examined me at trial on April 17, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 15, 2023, in Irvine, CA

By: Scott H. Milton
Scott Milton